

EXHIBIT 2

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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:
NATIONAL PRESCRIPTION
OPIATE LITIGATION

Case No. 1:17-MD-2804
Cleveland, Ohio

May 7, 2021
1:04 p.m.

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TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS
BEFORE THE HONORABLE DAN A. POLSTER,
UNITED STATES DISTRICT JUDGE, AND
DAVID A. RUIZ, UNITED STATES MAGISTRATE JUDGE.

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Official Court Reporter: Susan Trischan, RMR, CRR, FCRR, CRC
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1 defendants -- what discovery produced in this case
2 revealed regarding the defendants' knowledge of the
3 importance, breadth and criteria that should be used for
4 a red flag system based upon DEA enforcement actions and
13:10:05 5 other DEA publications published by the DEA in, for
6 example, the *Federal Register*.

7 So --

8 THE COURT: Well --

9 MR. WEINBERGER: That, so the timeline,
13:10:19 10 again, back to what I said initially, the timeline was
11 when we got into the intensive deposition and document
12 discovery that, you know, occurred about -- or culminated
13 or terminated about three or four weeks before we
14 produced the expert reports of Carmen Catizone and Craig
13:10:44 15 McCann.

16 THE COURT: All right. Look, it's not for
17 me to dictate or tell the plaintiffs what case to bring
18 or what case to try, and it's not for me to dictate how
19 the plaintiffs defend the plaintiffs' case.

13:11:04 20 That's -- that's up to all of you.

21 The case implicating one million --

22 MR. WEINBERGER: Judge, I'm sorry, at least
23 from my perspective, you are breaking up significantly.

24 THE COURT: I'm doing the best I can.

13:11:23 25 The case implicating one million

1 prescriptions is not the same as a case implicating two
2 million prescriptions, and there's no way that it's fair
3 for the plaintiffs to change their case at this late date
4 and not give the defendants a time -- time to, you know,
13:11:43 5 develop a defense.

6 So I'm not going to do that.

7 You know, I know the plaintiffs are saying
8 this case isn't about individual prescriptions, and it's
9 not, but the defendants have a right to know what
13:11:58 10 the -- what prescriptions the plaintiffs believe are
11 suspect and should have been, you know, kicked out,
12 monitored, flagged, whatever, by a valid system or at
13 least some checks, some inquiry.

14 And this is now a totally different case.

13:12:18 15 So --

16 MR. WEINBERGER: Can I -- I'm sorry, Your
17 Honor.

18 THE COURT: Go ahead.

19 MR. WEINBERGER: Can I respond? Can I
13:12:24 20 respond?

21 THE COURT: You can.

22 MR. WEINBERGER: So --

23 THE COURT: I've made my conclusion, but go
24 ahead.

13:12:28 25 MR. WEINBERGER: Well, I appreciate that,